

ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners met in a regularly scheduled meeting on, July 25, 2012
with roll call of members as follows:

Del Schwab- PRESENT

Kurt Schlegel- ABSENT

John Shipper- PRESENT

The Board of County Commissioners convened at 10:09 a.m., Chairman Del Schwab called the
meeting to order.

Prayer given by Pastor Keith Abbey of Graceway Baptist Church, Kiowa

Pledge of Allegiance

**The Board of County Commissioner's meetings are streamed live via the Internet and are
recorded for later use**

1. **AGENDA:** Commissioner Shipper requested Item 4b to reflect Sheriff Shayne
Heap's name along with Elbert County Sheriff's Department.
Commissioner Schwab requested that Item 7, Rick Pettitt (Public Trustee) be
placed in a floating order until he was available.
Commissioner Shipper requested that Items 9l, j & k be moved under 9a, and
advised that Alex Beltz (Attorney to BOCC) will present Item 9i as Cory Stark was
unavailable.
Commissioner Shipper requested Item #11 be stricken from the agenda.
Commissioner Shipper moved to approve the Agenda as changed, Commissioner
Schwab seconded, motion passed.
2. **Correspondence:** Commissioner Shipper announced the Colorado
Congressional Summer Conference will be in Steamboat Springs on Aug. 15-17,
2012. For more information, www.coloradowatercongress.org
3. **Consent Agenda:** All matters listed on the Consent Agenda are considered routine by the
Board and will be enacted by one (1) motion in the form below. There will be no separate
discussion of these items. If discussion is desired on any item(s) and permitted by the Board, those
items will be considered separately.
 - a. **Approval of minutes from July 11, 2012**
 - b. **Vouchers/Warrants**

- c. **Release of Escrow funds to Enertia Consulting Group in the amount of \$3,311.30 for the following permits:**

PI-2012-14 \$2,993.30

GR-3023-02 \$318.00

Ed Ehmann, Elbert County Public Works.

- d. **"Approve" authorization for the Chairman of the Board of County Commissioners to sign Mylars for SU11-0002 VERIZON CELL TOWER:** a request to place a cell tower at 3900 County Road 174, located in section 31, township 6 south, range 64, west in Elbert County. Curtis Carlson (Community Development Services).

Commissioner Shipper moved to accept Consent Agenda as drafted,
Commissioner Schwab seconded, motion passed.

4. AWARDS/RECOGNITION:

- a. Elbert County Fair Royalty, Mary Louise Jacobson introduced Rebecca Seawald, Elbert County Fair Queen. Ms. Seawald invited the Board to attend the EDCLA BBQ on Sat. Aug. 4, 2012, and reiterated the dates of the Elbert County Fair will be July 28 through Aug. 5, 2012.

- b. Elbert County Enterprise Authority (ECEA)/ [Sheriff Shayne Heap] added as per Commissioner Shipper, see Item 1 and Elbert County Sheriff's Department Financial Award from ECEA-Nextera Energy for 4H Shooting Program.

Mr. Craig Curl of The Elbert County Enterprise Authority read into record a letter of thanks to the Elbert County Sheriff's Department and Sheriff Shayne Heap and presented Sheriff Heap with a \$250.00 check award (-the first of 2 endowments from Nextera Energy for the 4H Shooting Program this year). Sheriff Heap added that 163 families participated in the 4H Shooting Program. An awards banquet will be held on Aug. 4, 2012, at which time Nextera will present 2 scholarships for 4H members going on to college.

Mr. Curl announced the 100th Anniversary and BBQ of the Kiowa Courthouse Building to be held on Sept 29th, 2012.

- c. Commissioner Schwab invited Sheila Kelly, Director of Elbert County Extension Office, to speak about the 78th annual County Fair. Ms. Kelly invited the public to attend the 78th annual County Fair, including the July 28th Cowboy Up Rodeo Sat. night at the Elbert County Fairgrounds. Tour/Dinner special will be \$6.50 per person.



- 5. ELECTED OFFICIAL/DEPARTMENT HEADS:** The Elected Officials and Department Heads comments is a time when any elected official or department head may bring forth items of interest or concern. During this time each individual will have (3) minutes to present view(s) on County matters. No formal action will be taken on these items during this time.
- 6. Staff Report:**
- 7. Rick Pettitt (Public Trustee): Quarterly Report.**
Mr. Pettitt reported to the Board that Foreclosures were up approximately 17% in Elbert County and sales were down from 2011. 121 new foreclosure starts were reported, 48 went to sale and 51 were withdrawn.
Commissioner Shipper moved to approve the Public Trustee Quarterly Report, Commissioner Schwab seconded, motion passed.
- 8. Old Business:**
- a. Dale Lasater and Roe Ecological Services: Resubmitted Proposal Requesting a Board Resolution for Prairie Dog Reestablishment.
- **Public Comment regarding Roe Ecological Services Proposal: None**
No motion was made by the Board of County Commissioners, issue dead for lack of motion.
- 9. New Business:**
- a. Terry Baylie, East Central Council of Governments Outback Express Public Transit System. Ms. Baylie gave the Board a preliminary report on the vehicle being purchased to replace the current Simla based public transit bus, and asked if a 2nd Grantee signature is required on the purchase. Commissioner Shipper suggested we use the County Treasurer for that 2nd signature, Commissioner Schwab concurred.
Debbie Conrad, East Central Council of Governments Outback Express Public Transit System. Ms. Conrad informed the Board of the optional equipment available on the current Simla based public transit bus replacement. Commissioner Shipper advised he will go over the optional equipment with Ed Ehmann.
Mary Lou Froberg asked the Board if a Defibrillator will be on the new bus.
Commissioner Schwab advised he will talk with Ed Ehmann (Elbert County



Public Works) to explore that possibility and even contact the Fire Department to see if a defibrillator is available for donation, as the cost is \$1,000.00 and up.

- b.** Memorandum of Understanding with Elbert County Enterprise Authority (ECEA): Craig Curl. Commissioner Shipper moved that the Board approve and execute the proposed Memorandum of Understanding between the Elbert county Board of County Commissioners and the Elbert county Enterprise Authority, Inc. regarding the provision of certain economic development services to Elbert County. Commissioner Schwab seconded, motion passed.
- c.** Elbert County Water Task Force, Dr. Jerry Koch. Dr. Koch brought a visual presentation and discussed differences between his and Robert Rowland's perception of the purpose of the Water Task Force.
Commissioner Schwab called for a 5-10 minute break at 11:10 a.m.
Meeting reconvened at 11:15 a.m. and Dr. Jerry Koch resumed his presentation on his observations regarding the Elbert County Water Task Force and concluded by stating the "members will be meeting sometime soon to discuss the future of WTF, changes in procedures, the wisdom of conducting future presentations, the relationship with Elbert county Government and a variety of other issues. The meeting will be on an undisclosed date at an undisclosed time at an undisclosed location".
- d.** Chatfield Reallocation Project: Will Koger, member of Water Task Force, introduced Mark Shively (Executive Director of Douglas County Water Resources Authority). Mr. Shively discussed the project with the Board including current use of the Chatfield Reservoir and list of stakeholders. Commissioner Shipper asked Mr. Shively about the project's impact on Elbert County.
- e.** TANF Service Agreement for Kiowa Creek Community Church: Debbie Jones (Elbert County Department of Human Services).
Commissioner Shipper moved that the Board approve and execute the TANF Service Agreement between Elbert County Board of County Commissioners on behalf of the Department of Human Services, and the Kiowa Creek Community Church for the provision of certain food bank services for TANF-eligible clients, for the period through June 30, 2013, up to a maximum contract price of \$15,000 from TANF funding. Commissioner Schwab seconded, motion passed.
- f.** Amendment to Burn Ban Ordinance – First Reading: Alex Beltz (Attorney to the Board of County Commissioners) on behalf of Cory Stark (Elbert County Office of Emergency Management). The Office of Emergency Management is looking to amend our burn ban ordinance 06-01 to allow either the Board or the Sheriff to declare a ban in the event of an emergency.
Commissioner Shipper moved that the foregoing Amendment 1 to Ordinance No. 06-01, entitled "An Amendment to Ordinance 06-01 Restricting Open Fires and Open Burning in the Unincorporated Areas of Elbert County," be adopted on first reading as necessary for the immediate preservation of the public health, safety and welfare. Commissioner Schwab asked for comments from Sheriff Heap and Chief Hillman of Simla before any motions are made.



Sheriff Heap stated to the Board that the Sheriff's Office works very closely with the Fire Departments and does not make any flippant decisions, but uses scientific methods when deciding burn bans.

Fire Chief John Hillman (Big Sandy Protection District). Chief Hillman said the main reason for requesting this change to the Ordinance is so that when needed, a change can be made in one day.

Attorney Alex Beltz told the Board he had done a survey of how other counties handle this and many other counties do authorize the Board or the Sheriff to make changes to the burn ban but both still have to follow proper procedures. Attorney Beltz then read into the minutes the entire proposed amendment. Commissioner Schwab asked for public comment at this time.

Norm Happel asked the Commissioners if we have a Fire Marshall.

Commissioner Schwab stated that we do and it is the Sheriff of the County. Commissioner Schwab then clarified that each Fire District has its own Fire Marshall, and in the absence of the Fire Marshall or his activities, the responsibilities fall to the Sheriff.

Commissioner Shipper moved that the foregoing Amendment 1 to Ordinance No. 06-01, entitled "An Amendment to Ordinance 06-01 Restricting Open Fires and Open Burning in the Unincorporated Areas of Elbert County," be adopted on first reading as necessary for the immediate preservation of the public health, safety and welfare.

Commissioner Schwab seconded, motion passed.

Commissioner Shipper moved that Amendment 1 to Ordinance No. 06-01 be published in full in the Elbert County News, a newspaper of general circulation published in Elbert County, and that a second and final reading of the Amendment to Ordinance 06-01 be scheduled at a public hearing of the Board of County Commissioners no sooner than ten days after the date of such publication.

Commissioner Schwab seconded, motion passed.

- g.** Blake Hepburn (Elbert County Election Manager) requested approval from the Board for the 2012 General Election Intergovernmental Agreement (IGA), explaining the IGA directs the Coordinating District and the Clerk's Office on their assigned duties regarding the election on Nov. 6, 2012.
- h.** Commissioner Shipper moved that the Board approve the Intergovernmental Agreement Concerning Election Services among the Elbert County Board of County Commissioners, the Elbert County Clerk and Recorder, and a named public entity jurisdiction concerning the conduct of the November 6, 2012 General Election, and further authorize the Elbert County Clerk and Recorder to execute such Agreement on behalf of the Board of County Commissioners. Commissioner Schwab seconded, motion passed.
- i.** Ed Ehmann (Public Works), Mr. Ehmann requested the Board approve a contract with IREA to relocate an existing light pole and add a light in the road and bridge yard.

Commissioner Shipper moved that the Board approve and execute the Service Contract between Elbert County on behalf of the Elbert County Public Works



and the Intermountain Rural Electric Association regarding the provision of certain electrical and construction related services for a cost of \$2,313.00. Commissioner Schwab seconded, motion passed.

- j.** Ed Ehmann (Public Works), Mr. Ehmann requested the Board approve the contract with Enertia Consulting Group LLC related to the design and construction management of CR 194, CR 17 (in participation agreement with Elkhorn Ranch), and paving of about ½ mile of CR 29 from CR 194. Commissioner Shipper moved that the Board approve and execute the Professional Services Agreement between Elbert County and Enertia Consulting Group, LLC regarding the provision of construction administration and management services related to CR 194, CR 17 and CR 29, for a lump sum payment of 89,900.00. Commissioner Schwab seconded, motion passed.

- k.** Ed Ehmann (Public Works), Mr. Ehmann requested the Board approve the Professional Services Agreement related to Transportation Enhancements proposed for Kiowa Bennett Road. Commissioner Shipper moved that the Board approve and execute the Professional Services Agreement between Elbert County and Enertia Consulting Group, LLC regarding the provision of construction administration and management services related to Transportation Enhancements proposed for Kiowa Bennett Road, for a lump sum payment of \$75,800.00. Commissioner Schwab seconded, motion passed.

- l.** Ed Ehmann (Public Works), Mr. Ehmann requested the Board approve an Agreement with Kimley-Horn and Associates, Inc. to prepare recommendations for speed limits and passing zone striping on CR 45 and CR 118. Commissioner Shipper moved that the Board approve and execute the proposed Agreement between Elbert County and Kimley-Horn and Associates, Inc. regarding the provision of services to prepare recommendations for posted speed limits and passing and no passing zone striping along CR 45 and CR 118 for a lump sum fee of \$3,500.00. Commissioner Schwab seconded, motion passed.

- m.** Ed Ehmann (Public Works), Mr. Ehmann requested the Board approve an Agreement with Kimley-Horn and Associates, Inc. to prepare recommendations for passing and no passing zones on Kiowa/Bennett Road. Commissioner Shipper moved that the Board approve and execute the proposed Agreement between Elbert County and Kimley-Horn and Associates, Inc. regarding the provision of services to prepare recommendations for passing and no passing zones along Kiowa/Bennett Road for a lump sum fee of \$3,500.00. Commissioner Schwab seconded, motion passed.

10.Land Use: None



11. Alex Beltz, Attorney to the Board of County Commissioners:

a. Stratcom Lease Proposal

12. Public Comment: The public comment period is a time when any citizen may bring forth items pertaining to County business. During this time each individual will have three minutes to present their view(s) on County matter(s). In the interest of time, please have your comments prepared for presentation as each person will be allowed one (1) opportunity to approach the podium. Please keep your comments to a three (3) minute maximum. No formal action will be taken on these items during this time due to open meeting provision; however, the items may be placed on a future posted Agenda if action is required. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments and questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself, spell your last name and give your address.

Tony Corrado – Elbert. Mr. Corrado commented on the presentation by the Water Task Force. Mr. Corrado stated that he disagreed with Mr. Koch's approach and suggestion that his objective observations and conclusions are the way to go with this issue. He further stated that he did not hear Mr. Koch's presentation define a problem needing a solution; therefore, his observations and findings were inconclusive and erroneous. Mr. Corrado said he agrees that comments are to be non-political and he felt Mr. Koch's presentation did not meet those criteria. He finally stated that all important issues in this County need to be heard in the evening, pre-announced, with public participation available and to do otherwise is non-productive. Mr. Corrado then submitted his personal recommendation that since this Water Task Force is not serving this County any valid purpose that it be disbanded.

James Robert Ware – Elizabeth. Mr. Ware gave his comments that after hours of research on the Chatfield Reallocation project, it is his finding that in over 150 documents Elbert County is never mentioned. He stated this leads him to believe there is some underlying reason why Elbert County has been approached to endorse this particular project, using the idea it affects our food as their reason. Mr. Ware asked the Commissioners to keep in mind as they review this project, to remember that Elbert County involvement is non-existent in this allocation of water for Chatfield, so why would we consider an endorsement? He encouraged the Commissioners to look at our position as he feels they want our water, and our water is a big concern.



Donna Dreyer-Ross – Agate. Ms. Ross provided for the Board copies of Press Releases from the U.S. Army Corp of Engineers related to Chatfield and also some websites so that the white pages relating to Chatfield may be accessed for further study.

Paula Koch – Elbert. Ms. Koch stated after hearing the presentation on Chatfield, she believes there would be no effect on Elbert County by storing more water in Chatfield. Ms. Koch then asked people to have some trust and work toward a better community and have some adult discussions with regard to the previous presentation by Dr. Koch.

Lisa Zimmerman – Elizabeth. Ms. Zimmerman commented on Mr. Koch's presentation stating she felt Mr. Koch did not supply the people with any useful information that had to do with education on water, nor did he provide any information on the status on the water now, but instead used his time to present his political agenda and used his anger against Mr. Robert Rowland. At this time Ms. Zimmerman asked the Commissioners to fire Mr. Koch and replace him with someone more competent and professional. She also asked the Commissioners to make the Water Task Board Meetings open to the public and make it mandatory, as the people cannot be informed on what is happening with the water, what the Water Task Force is recommending and what they discuss at their meetings if they are not allowed to participate in them. Ms. Zimmerman repeated that Mr. Koch did not bring any useful information about the Water Task Force Meetings to this Commissioner Meeting and that he wasted their time.

Meeting Adjourned at 12:19 p.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Del Schwab, Chairman




John Shipper, Vice Chair



Kurt Schlegel, Commissioner

ATTEST: Diana Hartsough

County Clerk

BY: 

Clerk to the Board of County Commissioners

